

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

HERMELINDA AGUIAR et al.,

Petitioners,

v.

THE SUPERIOR COURT OF LOS  
ANGELES COUNTY,

Respondent,

CINTAS CORPORATION NO. 2 et al.,

Real Parties in Interest

B208614

(Los Angeles County  
Super. Ct. No. BC310696)

ORDER MODIFYING OPINION  
AND DENYING REHEARING  
(NO CHANGE IN JUDGMENT)

THE COURT:

It is ordered that the opinion filed herein on January 20, 2009 be modified as follows:

1. On page 5, heading number 4 and the paragraph following heading number 4, including footnote number 3, are modified to read as follows:

4. *Repeal of Regulation 5*

In August 2006, shortly before our decision in *Aguiar I, supra*, 144 Cal.App.4th 121, the Los Angeles City Council revoked the 20-hour rule, finding it inconsistent with its earlier intent to have the LWO apply to all employees who had worked on any city contract. Regulation 5 was rescinded in its entirety.<sup>3</sup> At

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<sup>3</sup> As the parties acknowledge, rescission of Regulation 5 does not render moot the question raised in this litigation, that is, whether the regulation was valid during the period from July 2003 (when it was promulgated) until August 2006 (when it was rescinded).

the same time language in Regulation No. 4 that cross-referenced both the 20-hour rule and the hours-worked limitation in Regulation 5 was deleted from the regulation.

2. On page 16, in the second sentence under subheading b. beginning with “Similarly,” the word “repealed” is deleted and the word “deleted” is inserted in its place.

3. On page 16, in the second full sentence of the second full paragraph beginning with “Furthermore,” the phrase “there is no evidence” is deleted and the phrase “nothing in the regulation suggests” is inserted in its place, so that the sentence now reads:

Furthermore, even if severance were applicable to administrative regulations, nothing in the regulation suggests the hours-worked component was intended to stand alone in the event the 20-hour rule was invalidated.

4. On page 17, the last sentence of the paragraph continuing from page 16 is modified so that it now reads:

The rescission of Regulation 5 in its entirety -- without preserving the hours-worked component of the regulation -- and the contemporaneous deletion of language in Regulation No. 4 containing the hours-worked limitation further suggest the hours-worked component is inseparable from the 20-hour rule.

There is no change in the judgment. Cintas Corporation’s petition for rehearing is denied.

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PERLUSS, P. J.

WOODS, J.

JACKSON, J.